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This Users' Manual is issued as an operational tool.

This Manual contains:

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other State Departments affecting CDSS programs
- c) Statutes from appropriate Codes which govern CDSS programs; and
- d) Court decisions
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.

Regulations of CDSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases **"HANDBOOK BEGINS HERE"**, **"HANDBOOK CONTINUES"**, and **"HANDBOOK ENDS HERE"** in bold print. Please note that both other department's regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by graphic screen.

Questions relative to this Users' Manual should be directed to your usual program policy office.

Article 1. GENERAL REQUIREMENTS AND DEFINITIONS**85000 GENERAL****85000**

- (a) Adult residential facilities, as defined in Section 80001a.(5), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

85001 DEFINITIONS**85001**

In addition to Section 80001, the following shall apply.

- a. (Reserved)
- b. (Reserved)
- c. (1) "Certified administrator" means a person who has been issued an Administrator Certification by the Department and whose certification is current.
- d. (Reserved)
- e. (Reserved)
- f. (Reserved)
- g. (Reserved)
- h. (Reserved)
- i. (Reserved)
- j. (Reserved)
- k. (Reserved)
- l. (Reserved)
- m. (Reserved)

85001 **DEFINITIONS** (Continued)**85001**

- n. (1) "Needs and Services Plan" means a written plan which identifies the specific needs of an individual client, including those items specified in Section 85068.2, and delineates those services necessary to meet the client's identified needs.
- o. (Reserved)
- p. (Reserved)
- q. (Reserved)
- r. (Reserved)
- s. (Reserved)
- t. (Reserved)
- u. (Reserved)
- v. (Reserved)
- w. (Reserved)
- x. (Reserved)
- y. (Reserved)
- z. (Reserved)

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530, 1531, and 1562.3, Health and Safety Code.

Article 2. LICENSING**85009 POSTING OF LICENSE****85009**

- (a) In facilities with a licensed capacity of seven or more, the license shall be posted in a prominent, publicly accessible location in the facility.
- (b) In facilities with a licensed capacity of six or fewer, the license shall be retained in the facility and be available for review upon request.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 3. APPLICATION PROCEDURES**85018 APPLICATION FOR LICENSE****85018**

- (a) In addition to Section 80018, the following shall apply.
- (b) Each applicant shall submit a financial plan of operation on forms provided or approved by the department.
 - (1) Start-up funds shall be available which shall include funds for the first three months of operation.
- (c) The licensing agency shall have the authority to require written verification of the availability of the funds required in (b)(1) above.
- (d) After June 30, 1996, each applicant who will also be the administrator of the facility shall submit documentation verifying that they are either a certified administrator or are exempted by Section 85064(d)(1).
- (e) Each applicant who will not be the administrator of the facility shall submit the name and address of the facility administrator and, after June 30, 1996, shall submit documentation verifying that the facility administrator is either a certified administrator or is exempted by Section 85064(d)(1).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528, 1531, 1562.3, and 1562.4, Health and Safety Code.

85022 PLAN OF OPERATION**85022**

- (a) In addition to Section 80022, the following shall apply.
- (b) The plan of operation shall contain written evidence of arrangements for any consultants and community resources which are to be utilized to meet regulatory requirements or requirements of the facility's plan of operation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528 and 1531, Health and Safety Code.

Article 4. ADMINISTRATIVE ACTIONS (Reserved)**Article 5. ENFORCEMENT PROVISIONS****85051 SERIOUS DEFICIENCIES****85051**

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- (a) In addition to Section 80051, the following are examples of regulations which, if not complied with, nearly always result in a serious deficiency.
- (1) Sections 85068.4(a)(1), (2), and (5) and 85075.3(d) relating to persons with communicable diseases and persons requiring inpatient health or acute psychiatric care.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1534, Health and Safety Code.

Article 6. CONTINUING REQUIREMENTS**85060 BASIC SERVICES****85060**

- (a) For SSI/SSP recipients who are residents, the basic services shall be provided and/or made available at the basic rate with no additional charge to the resident.
- (1) This shall not preclude the acceptance by the facility of voluntary contributions from relatives or others on behalf of an SSI/SSP recipient.

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- (A) The Social Security Administration has interpreted Federal Regulations (20 CFR 416.1102, 416.1103, and 416.1145) to mean that any contribution given directly to the facility on behalf of an SSI/SSP recipient will not count as income (i.e., will not reduce the recipient's SSI/SSP check) if the payment is used for items other than food, clothing or shelter (e.g., care and supervision).

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- (2) An extra charge to the resident shall be allowed for a private room if a double room is made available but the resident prefers a private room, provided the arrangement is documented in the admissions agreement and the charge is limited to 10% of the Board and Room portion of the SSI/SSP grant.
- (3) An extra charge to the resident shall be allowed for provision of special food services or products beyond that specified in Section 80076(a)(2) and (a)(4) when the resident wishes to purchase the services and agrees to the extra charge in the admissions agreement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code and Section 12350, Welfare and Institutions Code.

85061 REPORTING REQUIREMENTS**85061**

- (a) In addition to Section 80061, the following shall apply.
- (b) The licensee shall notify the licensing agency, in writing, within 30 days of a change of administrator. Such notification shall include the following:
 - (1) Name, and residence and mailing addresses of the new administrator.
 - (2) Date he/she assumed his/her position.
 - (3) Description of his/her background and qualifications, including documentation of required education and certification.
 - (A) A photocopy of the documentation shall be permitted.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, and 1562.3, Health and Safety Code.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES**85064**

- (a) In addition to Section 80064, the following shall apply.
- (b) All adult residential facilities shall have an administrator.
- (c) Be at least 21 years of age.
 - (1) Administrators employed prior to July 1, 1996 are exempt from this requirement.
- (d) Be a certified administrator.
 - (1) An individual employed as an administrator prior to July 1, 1996 shall complete an approved certification program before January 1, 1997.
 - (2) An individual employed as an administrator on July 1, 1996, shall be permitted to take the standardized written test administered by the Department, one time, in lieu of completing the 35 hours of classroom instruction. If a passing score is not achieved, the administrator must take the initial 35 hours of training as specified in Section 85064(d)(1).
- (e) Have a high school diploma or pass a general educational development test (GED).
 - (1) Administrators employed prior to July 1, 1996 are exempt from this requirement.
- (f) The administrator shall be on the premises the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)**85064**

- (g) When the administrator is absent from the facility there shall be coverage by a designated substitute, who meets the qualifications of Section 80065, who shall be capable of, and responsible and accountable for, management and administration of the facility in compliance with applicable law and regulation.
- (h) The administrator of a facility for seven to 15 clients shall have one year of work experience in residential care.
- (i) The administrator of a facility for 16 to 49 clients shall have graduated from high school, or possess a GED, and shall have one of the following prior to employment:
 - (1) Completion, with a passing grade, of 15 college or continuing education semester or equivalent quarter units, three of which shall be in nutrition, human behavior, administration, or staff relations.
 - (2) One year of work experience in residential care.
- (j) The administrator of a facility for 50 or more clients shall have graduated from high school, or possess a GED, and shall have one of the following prior to employment:
 - (1) Completion, with a passing grade, of 60 college or continuing education semester or equivalent quarter units, six of which shall be in administration or staff relations.
 - (2) Three years work experience in residential care, one year of which shall have been providing direct care to clients or assisting in facility administration.
- (k) The administrator shall perform the following duties:
 - (1) Where applicable, advise the licensee on the operation of the facility and advise the licensee on developments in the field of care and supervision.
 - (2) Development of an administrative plan and procedures to define lines of responsibility, workloads, and staff supervision.
 - (3) Recruitment, employment and training of qualified staff, and termination of staff.

85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)**85064**

- (4) Provision of, or insurance of the provision of, services to the clients, required by applicable law and regulation, including those services identified in the client's individual needs and services plans.
- (A) The licensing agency shall have authority to approve the use of a centralized service facility to provide any required services to two or more licensed facilities. Prior approval shall be obtained in writing.

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- (B) Examples of such centralized service facilities are a centralized laundry, dining room or kitchen serving two or more facilities.

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- (5) Arrangement for special provisions for the care and supervision and safety and guidance of clients with disabilities including visual or auditory deficiencies.

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- (A) Such provisions may include additional staff, safety and emergency information printed in braille, and lights to alert the deaf to emergency sounds.

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- (6) Arrangement for the clients to attend available community programs, when clients have needs, identified in the needs and services plan, which cannot be met by the facility but can be met by community programs.

- (A) Such arrangements shall include, but not be limited to, arranging for transportation.

- (I) Administrators employed prior to the effective date of this section shall remain qualified provided that they have no break in employment as an adult residential facility administrator exceeding three consecutive years.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, 1562, 1562.3, and 1562.4, Health and Safety Code.

85065 PERSONNEL REQUIREMENTS**85065**

- (a) In addition to Section 80065, the following shall apply.
- (b) The licensee shall employ staff as necessary to ensure provision of care and supervision to meet client needs.
- (c) The licensee shall employ support staff as necessary to perform office work, cooking, house cleaning, laundering, and maintenance of buildings, equipment and grounds.
- (d) The licensee shall ensure that the following personnel requirements are met in the provision of planned activities:
 - (1) In facilities with a licensed capacity of 16 to 49 clients, one employee shall be designated by the administrator to have primary responsibility for the organization, conduct and evaluation of planned activities.
 - (A) The designated employee shall possess at least six months of experience in organizing and providing planned group activities.
 - (2) In facilities with a licensed capacity of 50 or more clients, one employee shall have full-time responsibility for the organization, conduct and evaluation of planned activities, and shall be given assistance as necessary in order to ensure that all clients participate in accordance with their interests and abilities.
 - (A) The designated employee shall possess at least one year of experience in organizing and providing planned group activities, and shall be knowledgeable in the evaluation of client needs, the supervision of other employees, and the training of volunteers.
 - (3) Participation of volunteers in planned activities shall be encouraged.
 - (A) Such volunteers shall be under the direction and supervision of the employee designated as responsible for the activity program.

85065 PERSONNEL REQUIREMENTS (Continued)**85065**

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- (4) Where the facility can demonstrate that its clients are self-directed to the extent that they are able to plan, organize and conduct the facility's activity program themselves, the licensing agency shall be permitted to waive these requirements.

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- (e) The licensee shall ensure that the following personnel requirements are met in the provision of food service:
- (1) Employment, training and scheduling of food service personnel shall ensure that client's food service needs are met by the facility.
 - (2) In facilities with a licensed capacity of 16 or more clients an employee shall be designated to have primary responsibility for food planning, preparation and service.
 - (A) The designated employee shall receive on-the-job training or shall have related experience as evidenced by safe and effective job performance.
 - (3) In facilities with a licensed capacity of 50 or more clients, and which provide three meals per day, an employee shall be designated to have full-time responsibility for the operation of the food service program and shall possess either:
 - (A) One year of experience in food preparation and service accommodating 50 or more persons.
 - (B) Two years of experience in food preparation and service accommodating 16 to 49 persons.
 - (4) If the employee designated in a facility for 50 or more clients is not a nutritionist, dietitian, or a home economist, provision shall be made for regular consultation from a person so qualified.

85065 PERSONNEL REQUIREMENTS (Continued)**85065**

- (A) Such consultation shall be during at least one meal preparation and service, on the day of the consultation, and shall include review and approval of the facility's food planning, preparation and service procedures.
 - (B) A written record of the frequency, nature and duration of the consultant's visits shall be secured from the consultant and maintained in the facility.
 - (C) The licensing agency shall have authority to require more frequent consultation than the licensee is having, when the licensing agency determines and documents the need for such additional consultation.
- (f) The licensee shall ensure that all direct services to clients requiring specialized skills are performed by personnel who are licensed or certified to perform the service.
- (1) Where no license or certification is available for a particular skill, prior approval of the licensing agency shall be obtained for the provision of the service by an unlicensed or uncertified person.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531 and 1562, Health and Safety Code.

85065.6 NIGHT SUPERVISION**85065.6**

- (a) Night supervisory staff shall meet the personnel requirements specified in Section 80065, and the requirements below.
- (b) Employees providing night supervision from 10:00 p.m. to 7:00 a.m., as specified in (c) through (f) below, shall be available to assist in the care and supervision of clients in the event of an emergency, and shall have received training in the following:
 - (1) The facility's planned emergency procedures.
 - (2) First aid, as specified in Section 80075.

85065.6 NIGHT SUPERVISION (Continued)**85065.6**

- (c) In facilities providing care and supervision for 15 or fewer clients, there shall be at least one person on call on the premises.
- (d) In facilities providing care and supervision for 16 to 100 clients, there shall be at least one person on duty, on the premises and awake. Another person shall be on call and capable of responding within 30 minutes.
- (e) In facilities providing care and supervision for 101 to 200 clients, at least one person shall be on call, on the premises; another qualified person shall be on duty, on the premises and awake; and another person shall be on call and capable of responding within 30 minutes.
- (f) For every additional 100 clients, or fraction thereof, for whom care and supervision is being provided, there shall be one additional person on duty, on the premises and awake.
- (g) In facilities required to have a signal system, as specified in Section 85088, at least one staff person shall be responsible for responding to the signal system.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85066 PERSONNEL RECORDS**85066**

- (a) In addition to Section 80066, the following shall apply.
- (b) A dated employee time schedule shall be developed at least monthly, shall be displayed conveniently for employee reference and shall contain the following information for each employee:
 - (1) Name.
 - (2) Job title.
 - (3) Hours of work.
 - (4) Days off.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85068 ADMISSION AGREEMENTS**85068**

- (a) In addition to Section 80068, the following shall apply.
- (b) The admission agreement shall specify the following:
 - (1) Payment provisions, including the client's funding source.
 - (A) Such disclosure shall be at the client's discretion.
 - (2) General facility policies which are intended to ensure that no client, in the exercise of his/her personal rights, infringes upon the personal rights of any other client.
 - (3) Those actions, circumstances, or conditions which may result in the client's eviction from the facility.
 - (4) The current arrangement with the client regarding the provision of food service.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85068.1 ADMISSION PROCEDURES**85068.1**

- (a) The licensee shall develop, maintain, and implement admission procedures which shall meet the requirements specified in this section.
- (b) No client shall be admitted prior to a determination of the facility's ability to meet the needs of the client, which shall include an appraisal of his/her individual service needs as specified in Section 85068.2.
- (c) Prior to accepting a client for care and supervision, the person responsible for admissions shall:
 - (1) Interview the prospective client, and his/her authorized representative, if any.
 - (A) The interview shall provide the prospective client with information about the facility, including the information contained in the Admission Agreement and any additional policies and procedures, house rules, and activities.
 - (2) Develop a needs and services plan as specified in Section 85068.2.

85068.1 ADMISSION PROCEDURES (Continued)**85068.1**

- (d) The facility shall obtain the medical assessment, performed as specified in Section 80069.
- (e) If admission is agreed to, the facility shall obtain the signature of the client, or his/her authorized representative, if any, on the Admission Agreement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1530 and 1531, Health and Safety Code.

85068.2 NEEDS AND SERVICES PLAN**85068.2**

- (a) The needs and services plan shall include:
 - (1) The client's desires and background regarding the following, obtained from the client, or his/her authorized representative, if any:
 - (A) Entrance to the facility.
 - (B) Specific services needs, if any.
 - (C) Health history.
 - (D) Mental condition.
 - (E) Functional limitations.
 - (2) Any needs appraisal or individual program plans completed by a placement agency or consultant.
 - (3) Facility plans for providing services to meet the individual needs identified above.

85068.2 NEEDS AND SERVICES PLAN (Continued)**85068.2**

(b) The following persons shall be involved in the development of the needs and services plan:

- (1) The client, or his/her authorized representative, if any.
- (2) Any relative participating in the placement.
- (3) The placement or referral agency, if any.
- (4) Person responsible for facility admissions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

85068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN**85068.3**

- (a) The written needs and services plan specified in Section 85068.2 shall be updated as frequently as necessary to assure its accuracy, and to document significant occurrences which result in changes in the client's physical, mental and/or social functioning.
- (b) If modifications to the plan identify an individual client service need which is not being met by the general program of facility services, the following requirements shall be met:
 - (1) Consultation shall be secured from a dietitian, physician, social worker, psychologist, or other consultant as necessary to assist in determining if such needs can be met by the facility within the facility's program of services.
 - (2) If it is determined that the needs can be met, the licensee in conjunction with the consultant, shall develop and maintain in the facility a written services plan which shall include the following:
 - (A) Objectives, within a time frame, which relate to the client's problems and/or needs.

85068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN (Continued)**85068.3**

- (B) Plans for meeting the objectives.
- (C) Identification of any individuals or agencies responsible for implementing and evaluating each part of the plan.
- (D) Method of evaluating progress.
- (3) If it is determined that the needs cannot be met, the licensee shall bring this fact to the attention of the client, and/or his/her authorized representative, if any, and request that the client relocate.
 - (A) If the client refuses to relocate, the licensee shall be permitted to evict the client in accordance with Section 85068.5(a).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

85068.4 ACCEPTANCE AND RETENTION LIMITATIONS**85068.4**

- (a) The licensee shall not accept or retain the following:
 - (1) Persons with active communicable tuberculosis.
 - (2) Persons who require inpatient care in a health facility.
 - (3) Persons who have needs which are in conflict with other clients or the program of services offered.
 - (4) Persons who require more care and supervision than is provided by the facility.
 - (5) Any person whose primary need is acute psychiatric care due to a mental disorder.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

85068.5 EVICTION PROCEDURES**85068.5**

- (a) The licensee shall be permitted to evict a client by serving the client with a 30-day written notice to quit for any of the following reasons:
- (1) Nonpayment of the rate for basic services within ten days of the due date.
 - (2) Failure of the client to comply with state or local law after receiving written notice of the alleged violation.
 - (3) Failure of the client to comply with the general facility policies as specified in the Admission Agreement.
 - (4) A needs and services plan modification has been performed, as specified in Section 85068.3, which determined that the client's needs cannot be met by the facility and the client has been given an opportunity to relocate as specified in Section 85068.3(b)(3).
 - (5) Change of use of the facility.
- (b) The licensee shall be permitted to evict a client by serving the client with a three-day written notice to quit provided that both of the following requirements have been met:
- (1) The licensing agency has granted prior written and/or documented telephone approval for the eviction.
 - (A) The licensing agency shall reply to a request for such approval within two working days.
 - (B) Failure of the licensing agency to reply within two working days shall be considered approval.
 - (2) The client has engaged or is engaging in behavior which is a threat to his/her mental and/or physical health or safety, or to the health or safety of others in the facility.
- (c) The licensee shall set forth in the notice to quit the reasons for the eviction, with specific facts including the date, place, witnesses, and circumstances.

85068.5 EVICTION PROCEDURES (Continued)**85068.5**

- (d) The licensee shall, upon completion of the procedures specified in (a) or (b) above, notify or mail a copy of the notice to quit to the client's authorized representative, if any.
- (e) A written report of any eviction processed in accordance with (a) above shall be sent to the licensing agency within five days of the eviction.
- (f) Nothing in this section is intended to preclude the licensee or client from invoking any other available remedy.

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- (1) Such remedies include voluntary relocation, relocation by the client's authorized representative, hospitalization for mental or physical conditions, and arrest.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85070 CLIENT RECORDS**85070**

- (a) In addition to Section 80070, the following shall apply.
- (b) Each client record shall contain the following information:
 - (1) Last known address.
 - (2) Religious preference, and name and address of clergyman or religious advisor, if any.
 - (3) Needs and services plan and any modifications thereto, as specified in Sections 85068.2 and 85068.3.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, 1533, 1534 and 1538, Health and Safety Code.

85072 PERSONAL RIGHTS**85072**

- (a) In addition to Section 80072, the following shall apply.
- (b) The licensee shall insure that each client is accorded the following personal rights.
 - (1) To visit the facility with his/her relatives or authorized representative prior to admission.
 - (2) To have the facility inform his/her relatives and authorized representative, if any, of activities related to his/her care and supervision, including but not limited to notification of any modifications to the needs and services plan.
 - (3) To have communications to the facility from his/her relatives or authorized representative answered promptly and completely.
 - (4) To have visitors, including advocacy representatives, visit privately during waking hours, provided that such visitations do not infringe upon the rights of other clients.
 - (5) To wear his/her own clothes.
 - (6) To possess and use his/her own personal items, including his/her own toilet articles.
 - (7) To possess and control his/her own cash resources.
 - (8) To have access to individual storage space for his/her private use.
 - (9) To have access to telephones in order to make and receive confidential calls, provided that such calls do not infringe upon the rights of other clients and do not restrict availability of the telephone during emergencies.
 - (A) The licensee shall be permitted to require reimbursement from the client or his/her authorized representative for long distance calls.
 - (B) The licensee shall be permitted to prohibit the making of long distance calls upon documentation that requested reimbursement for previous calls has not been received.

85072 PERSONAL RIGHTS (Continued)**85072**

- (10) To mail and receive unopened correspondence.
- (11) To receive assistance in exercising the right to vote.
- (12) To move from the facility in accordance with the terms of the Admission Agreement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85075 HEALTH-RELATED SERVICES**85075**

- (a) In addition to Section 80075, the following shall apply.
- (b) The facility shall develop and implement a plan which ensures that assistance is provided to the clients in meeting their medical and dental needs.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85075.3 OBSERVATION OF THE CLIENT**85075.3**

- (a) The licensee shall regularly observe each client for changes in physical, mental, emotional and social functioning.

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- (1) Documentation of such observation shall not be required.

HANDBOOK ENDS HERE

- (b) The licensee shall provide assistance when observation reveals needs which might require a change in the existing level of service, or possible discharge or transfer to another type of facility.

85075.3 OBSERVATION OF THE CLIENT (Continued)**85075.3**

- (c) The licensee shall bring observed changes, including but not limited to unusual weight gains or losses, or deterioration of health condition, to the attention of the client's physician and authorized representative, if any.
- (d) A client suspected of having a contagious or infectious disease shall be isolated and a physician contacted to determine suitability of the client's retention in the facility.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1521 and 1531, Health and Safety Code.

85076 FOOD SERVICE**85076**

- (a) In addition to Section 80076, the following shall apply.
- (b) The licensee shall meet the food service personnel requirements specified in Section 85065(e).
- (c) The following requirements shall be met when serving food:
 - (1) Meals served on the premises shall be served in one or more dining rooms or similar areas in which the furniture, fixtures and equipment necessary for meal service are provided.
 - (A) Such dining areas shall be located near the kitchen so that food may be served quickly and easily.
 - (2) Tray service shall be provided in case of temporary need.
- (d) The licensee shall meet the following food supply and storage requirements:
 - (1) Supplies of staple nonperishable foods for a minimum of one week and fresh perishable foods for a minimum of two days shall be maintained on the premises.
 - (2) Freezers shall be large enough to accommodate required perishables and shall be maintained at a temperature of zero degrees F (

85076 FOOD SERVICE (Continued)**85076**

- (3) Refrigerators shall be large enough to accommodate required perishables and shall maintain a maximum temperature of 45 degrees F (7.2 degrees C).
- (4) Freezers and refrigerators shall be kept clean, and food storage shall permit the air circulation necessary to maintain the temperatures specified in (2) and (3) above.
- (e) Clients shall be encouraged to have meals with other clients.
- (f) Clients who do not elect to have all meals provided by the facility as specified in Section 80076(a)(3), but whose conditions subsequently change so that self-purchase of foods and self-preparation of meals is no longer a viable alternative, shall receive full meal service.

NOTE: Authority cited: Sections 1501 and 1531, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85077 PERSONAL SERVICES**85077**

- (a) Licensees shall provide necessary personal assistance and care, as indicated in the needs and services plan, with activities of daily living including but not limited to dressing, eating, and bathing.
- (b) Licensees shall provide basic laundry services, including washing and drying of clients' personal clothing.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**85078**

- (a) In addition to Section 80078, the following shall apply:
 - (1) The licensee shall provide those services identified in the client's needs and services plan as necessary to meet the client's needs.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1527, 1530 and 1531, Health and Safety Code.

85079 ACTIVITIES**85079**

- (a) The licensee shall ensure that planned recreational activities, which include the following, are provided for the clients:
- (1) Activities that require group interaction.
 - (2) Physical activities including but not limited to games, sports and exercise.
- (b) Each client who is capable shall be given the opportunity to participate in the planning, preparation, conduct, clean-up and critique of the activities.
- (c) The licensee shall ensure that clients are given the opportunity to attend and participate in community activities including but not limited to the following:
- (1) Worship services and activities of the client's choice.
 - (2) Community Service activities.
 - (3) Community events, including but not limited to concerts, tours, dances, plays, and celebrations of special events.
 - (4) Self-help organizations.
 - (5) Senior citizen groups, sports leagues and service clubs.
- (d) In facilities with a licensed capacity of seven or more clients, notices of planned activities shall be posted in a central facility location readily accessible to clients, relatives, and representatives of placement and referral agencies.
- (1) Copies of such notices shall be retained in facility files for at least six months.
- (e) In facilities with a licensed capacity of 50 or more clients, a current, written program of activities shall be planned in advance and made available to all clients.
- (f) Activities shall be encouraged through provision of the space, equipment and supplies specified in Sections 85087.2, 85087.3, and 85088(g).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85080 RESIDENT COUNCILS**85080**

- (a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.
- (1) The licensee shall provide space and post notice for meetings, and shall provide assistance in attending council meetings for those residents who request it.
- (A) If residents are unable to read the posted notice because of a physical or functional disability, the licensee shall notify the residents in a manner appropriate to that disability including but not limited to verbal announcements.
- (2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.
- (3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.
- (4) Residents shall be encouraged, but shall not be compelled to attend council meetings.
- (b) The licensee shall ensure that in providing for resident councils the requirements of Section 1520.2 of the Health and Safety Code are observed.

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Health and Safety Code Section 1520.2 reads in pertinent part:

The council shall be composed of residents of the facility and may include family members of residents of the facility. The council may, among other things, make recommendations to the facility administrators to improve the quality of daily living in the facility and may negotiate to protect residents' rights with facility administrators.

A violation of this section shall not be subject to the provisions of Health and Safety Code Section 1540 (misdemeanors), but shall be subject to the provisions of Health and Safety Code Section 1534 (civil penalties).

This section shall not apply to facilities licensed for six (6) or fewer individuals.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1520.2, Health and Safety Code.

Article 7. PHYSICAL ENVIRONMENT**85087 BUILDINGS AND GROUNDS****85087**

- (a) In addition to Section 80087, the following shall apply.
- (b) Bedrooms shall meet, at a minimum, the following requirements:
 - (1) Not more than two clients shall sleep in a bedroom.
 - (2) Bedrooms shall be large enough to allow for easy passage and comfortable use of any required client assistive devices, including but not limited to wheelchairs or walkers, between beds and other items of furniture specified in Section 85088(c).
 - (3) No room commonly used for other purposes shall be used as a bedroom for any person.
 - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas, and sheds, or similar detached buildings.
 - (4) No client bedroom shall be used as a public or general passageway to another room, bath or toilet.
- (c) Stairways, inclines, ramps, open porches, and areas of potential hazard to clients whose balance or eyesight is poor shall not be used by clients unless such areas are well lighted and equipped with sturdy hand railings.
- (d) Facilities shall meet the following requirements in laundry areas:
 - (1) Space and equipment for washing, ironing and mending of personal clothing.
 - (2) Space used for soiled linen and clothing shall be separated from the clean linen and clothing storage and handling area.
 - (3) In facilities with a licensed capacity of 16 or more clients, space used to do the laundry shall not be part of an area used for storage of any item other than items necessary for laundry activities.

85087 BUILDINGS AND GROUNDS (Continued)**85087**

- (e) Facilities with a licensed capacity of 16 or more clients shall meet the following requirements:
- (1) There shall be space available in the facility to serve as an office for business, administration and admission activities.
 - (2) There shall be a private office in which the administrator may conduct private interviews.
 - (3) There shall be a reception area and a restroom facility designated for use by visitors.
- (f) Dining rooms or similar areas for food service shall be provided as specified in Section 85076.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85087.2 OUTDOOR ACTIVITY SPACE**85087.2**

- (a) Outdoor activity areas shall be provided which are easily accessible to clients and protected from traffic.
- (b) The outdoor activity area shall provide a shaded area, and shall be comfortable, and furnished for outdoor use.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85087.3 INDOOR ACTIVITY SPACE**85087.3**

- (a) As a condition of licensure, there shall be common rooms, including a living room, dining room, den or other recreation/activity room, which provide the necessary space and/or separation to promote and facilitate the program of planned activities specified in Section 85079, and to prevent such activities from interfering with other functions.
- (1) At least one such room shall be available to clients for relaxation and visitation with friends and/or relatives.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

85088 FIXTURE, FURNITURE, EQUIPMENT, AND SUPPLIES**85088**

- (a) In addition to Section 80088, as a condition of licensure, the following shall apply.
- (b) Toilet, washbasin, bath and shower fixtures shall at a minimum meet the following requirements:
 - (1) At least one toilet and washbasin shall be maintained for each six persons residing in the facility, including clients, family and personnel.
 - (2) At least one bathtub or shower shall be maintained for each ten persons residing in the facility, including clients, family and personnel.
 - (3) Toilets and bathrooms shall be located near client bedrooms.
 - (4) Individual privacy shall be provided in all toilet, bath and shower areas.
- (c) The licensee shall ensure provision to each client of the following furniture, equipment and supplies necessary for personal care and maintenance of personal hygiene.
 - (1) An individual bed, except that couples shall be allowed to share one double or larger sized bed, maintained in good repair, and equipped with good bed springs, a clean mattress and pillow(s).
 - (A) Fillings and covers for mattresses and pillows shall be flame retardant.
 - (B) No adult residential facility shall have more beds for client use than required for the maximum capacity approved by the licensing agency.
 - 1. This requirement shall not apply to beds made available for illness or separation of others in the isolation room or area as required by Section 80075.
 - (2) Bedroom furniture including, in addition to (c)(1) above, for each client, a chair, a night stand, and a lamp or lights necessary for reading.
 - (A) Two clients sharing a bedroom shall be permitted to share one night stand.

85088 FIXTURE, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)**85088**

- (3) Portable or permanent closets and drawer space in each bedroom to accommodate the client's clothing and personal belongings.
 - (A) A minimum of two drawers or eight cubic feet (.2264 cubic meters) of drawer space, whichever is greater, shall be provided for each client.
- (4) Clean linen in good repair, including lightweight, warm blankets and bedspreads; top and bottom bed sheets; pillow cases; mattress pads; rubber or plastic sheeting, when necessary; and bath towels, hand towels and washcloths.
 - (A) The quantity of linen provided shall permit changing the linen at least once each week or more often when necessary to ensure that clean linen is in use by clients at all times.
 - (B) The use of common towels and washcloths shall be prohibited.
- (5) Feminine napkins, nonmedicated soap, toilet paper, toothbrush, toothpaste, and comb.
- (d) If the facility operates its own laundry, necessary supplies shall be available and equipment shall be maintained in good repair.
 - (1) Clients who are able, and who so desire, shall be allowed to use at least one washing machine and iron for their personal laundry, provided that the equipment is of a type and in a location which can be safely used by the clients.
 - (A) If that washing machine is coin operated, clients on SSI/SSP shall be provided with coins or tokens and laundry supplies.
 - (B) The licensee shall be permitted to designate a safe location or locations, and/or times in which clients shall be permitted to iron.
- (e) Emergency lighting, which shall include at a minimum working flashlights or other battery-powered lighting, shall be maintained and readily available in areas accessible to clients and staff.
 - (1) An open-flame type of light shall not be used.
 - (2) Night lights shall be maintained in hallways and passages to nonprivate bathrooms.

85088 FIXTURE, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)**85088**

- (f) Facilities shall meet the following signal system requirements:
- (1) In all facilities with a licensed capacity of 16 or more clients, and all facilities having separate floors or separate buildings without full-time staff there shall be a signal system which has the ability to meet the following requirements:
 - (A) Operation from each client's living unit.
 - (B) Transmission of a visual and/or auditory signal to a central location, or production of an auditory signal at the client's living unit which is loud enough to summon staff.
 - (C) Identification of the specific client's living unit from which the signal originates.
 - (2) Facilities having more than one wing, floor or building shall be allowed to have a separate signal system in each component provided that each such system meets the criteria specified in (1)(A) through (C) above.
- (g) The licensee shall provide and maintain the equipment and supplies necessary to meet the requirements of the planned activity program.
- (1) Such supplies shall include daily newspapers, current magazines and a variety of reading materials.
 - (2) Special equipment and supplies necessary to accommodate physically handicapped persons or other persons with special needs shall be provided to meet the needs of the handicapped clients.
 - (3) When not in use, recreational equipment and supplies shall be stored where they do not create a hazard to clients.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

Article 9. LICENSEE AND ADMINISTRATOR CERTIFICATION**85090 CERTIFICATION PROGRAM****85090**

- (a) Certification Programs shall be approved by the Department prior to being offered to applicants or administrators.
- (b) Any person or entity seeking approval of a Certification Program shall submit a written request to the Department. The request shall contain the following information:
 - (1) Name, address and phone number of the person(s) or entity requesting approval and the name of the person in charge of the program.
 - (2) Subject title, classroom hours and scheduled dates, duration, time, location and proposed instructor of each class to be offered.
 - (3) Written course description and educational objectives for each class offered.
 - (4) Qualifications, as specified in this section, of each proposed instructor.
 - (5) Geographic areas in which courses will be offered.
 - (6) Types of records to be maintained.
- (c) Certification Program approval shall expire two years from the date the program is approved.
- (d) A written request for renewal of Certification Program approval shall be submitted to the Department and shall contain the information specified in Section 85090(b) above.
- (e) Within 90 days of receipt of the request for approval or renewal of an approval of a Certification Program by the licensing agency, the licensing agency shall give written notice to the person or entity seeking approval of one of the following:
 - (1) The request is complete.
 - (2) The request is deficient, describing what documents are outstanding and/or inadequate, and informing the person or entity that the information must be submitted within 30 days of the date of notice.

85090 CERTIFICATION PROGRAM
(Continued)**85090**

- (f) If the person or entity does not submit the requested information within 30 days as specified in Section 85090(e)(2) above, the request for approval of a Certification Program shall be deemed withdrawn provided that the licensing agency has not denied or taken action to deny the request.
- (g) Within 30 days of receipt of an acceptable request for an approval of a Certification Program, the licensing agency shall notify the person or entity in writing whether the request has been approved or denied.
- (h) The Certification Program shall consist of the following components:
 - (1) A minimum of 35 classroom hours with the following basic curriculum:
 - (A) Eight (8) hours of instruction in laws, including residents' personal rights, regulations, policies, and procedural standards that impact the operations of adult residential facilities.
 - (B) Three (3) hours of instruction in business operations.
 - (C) Three (3) hours of instruction in management and supervision of staff.
 - (D) Five (5) hours of instruction in the psychosocial needs of the facility residents.
 - (E) Three (3) hours of instruction in the use of community and support services to meet residents' needs.
 - (F) Four (4) hours of instruction in the physical needs for facility residents.
 - (G) Five (5) hours of instruction in the use, misuse and interaction of drugs commonly used by facility residents.
 - (H) Four (4) hours of instruction on admission, retention, and assessment procedures.
 - (2) A standardized test administered by the Department.
 - (A) Individuals completing a certification program must pass the test with a minimum score of 70 percent.

85090 CERTIFICATION PROGRAM
(Continued)**85090**

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(3) Health and Safety Code Section 1562.5 reads in part:

(a) The Director shall ensure that within six months of obtaining licensure, an administrator of a adult residential facility and a program director of a social rehabilitation facility shall receive four hours of training on the needs of residents who may be infected with the human immunodeficiency virus (HIV), and on basic information about tuberculosis. Administrators and program directors shall attend update trainings every two years after satisfactorily completing the initial training to ensure that information received on HIV and tuberculosis remains current. The training shall consist of three hours on HIV and one hour on tuberculosis.

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85090 CERTIFICATION PROGRAM
(Continued)**85090**

(i) Certification Program vendors shall:

- (1) Offer all 35 of the classroom hours required for certification.
- (2) Establish a procedure to allow participants to make up any component necessary to complete the program.
- (3) Within seven (7) days of determination that an individual has completed 35 hours of class instruction, submit the participant's name to the Department.
- (4) Maintain records, available for review by the Department representatives. Records shall be maintained for three years. The records shall include the following information:
 - (A) Class schedules and descriptions.
 - (B) List of instructor and qualifications for each, as specified in this section.
 - (C) Names of registered participants and documentation of completion of the program.
- (5) Ensure that all classes are open to *for inspection* by Department representatives.
- (6) Use persons as instructors who have knowledge or experience in the subject area to be taught and who meet the following criteria:
 - (A) Possession of a four year college degree relevant to the course(s) to be taught, or
 - (B) Possession of a valid California Teacher Credential, or
 - (C) Be a health professional with a valid and current license to practice in California, or
 - (D) Have at least four years experience in California as an administrator of an Adult Residential Facility, within the last eight years, and with a record of administering facilities in substantial compliance, as defined in Section 80001s.(6).

NOTE: Authority cited: Section 1530, Health and Safety Code; and Section 15376, Government Code.
Reference: Section 1562.3, Health and Safety Code.

85091 DENIAL OF A CERTIFICATION PROGRAM REQUEST FOR APPROVAL 85091

- (a) A request for approval as an Adult Residential Facility certification program vendor may be denied in accordance with Section 1562.3(h)(1) of the Health and Safety Code.

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- (1) Section 1562.3(h)(1) of the Health and Safety Code reads in part:

The Department may deny vendor approval to any agency or person in any of the following circumstances:

(A) The applicant has not provided the Department with evidence satisfactory to the Department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations.

(B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in adult residential facilities.

(C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in adult residential facilities and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.

85092 REVOCATION OF A CERTIFICATION PROGRAM**85092**

(a) The Department may revoke Certification Program approval if the vendor:

- (1) Is unable to provide training due to lack of staff, funds or resources, or
- (2) Misrepresents or makes false claims regarding the training provided.
- (3) **Demonstrates** conduct in the administration of the program which is illegal, inappropriate, or inconsistent with the intent of the program.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1562.3, Health and Safety Code.